

March 23, 2022

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

SHERROD, TEED, VANDERHAGEN and WARE,

Plaintiffs,

-v-

Case No. 17-10164

VNA and LAN,

Defendants.

/

JURY TRIAL

BEFORE THE HONORABLE JUDITH E. LEVY  
UNITED STATES DISTRICT JUDGE

MARCH 23, 2022

APPEARANCES:

For the  
Plaintiffs:

Corey M. Stern  
Levy Konigsberg, LLP  
605 Third Avenue, 33rd Floor  
New York, New York 10158

Moshe Maimon  
Levy Konigsberg, LLP  
605 Third Avenue, 33rd Floor  
New York, New York 10158

Melanie Daly  
Levy Konigsberg, LLP  
605 Third Avenue, 33rd Floor  
New York, New York 10158

*(Appearances Continued on Next Page)*

TO OBTAIN A  
CERTIFIED  
TRANSCRIPT:

**JESECA C. EDDINGTON, RDR, RMR, CRR, FCRR**  
**FEDERAL OFFICIAL COURT REPORTER**  
**UNITED STATES DISTRICT COURT**  
**200 EAST LIBERTY STREET**  
**ANN ARBOR, MICHIGAN 48104**

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1	For the VNA	Daniel Stein
2	Defendants:	Mayer Brown LLP
3		1221 Avenue of the Americas
4		New York, New York 10020
5		James M. Campbell
6		Campbell Conroy & O'Neil, P.C.
7		1 Constitution Wharf, Suite 310
8		Boston, Massachusetts 02129
9		Marcus Christian
10		Mayer Brown LLP
11		1999 K Street NW
12		Washington, District of Columbia 20006
13		Mark R. Ter Molen
14		Mayer Brown LLP
15		71 South Wacker Drive
16		Chicago, Illinois 60606
17		Cheryl A. Bush
18		Bush, Seyferth PLLC
19		100 West Big Beaver Road, Suite 400
20		Troy, Michigan 48084
21	For the LAN	Wayne Brian Mason
22	Defendants:	Faegre Drinker Biddle & Reath LLP
23		1717 Main Street, Suite 5400
24		Dallas, Texas 75201
25		David C. Kent
		Faegre Drinker Biddle & Reath LLP
		1717 Main Street, Suite 5400
		Dallas, Texas 75201
		Tory Finley
		Faegre Drinker Biddle & Reath LLP
		1717 Main Street, Suite 5400
		Dallas, Texas 75201
		Philip A. Erickson
		Plunkett & Cooney
		325 East Grand River Avenue, Suite 250
		East Lansing, Michigan 48823

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P R O C E E D I N G S

THE CLERK: Calling Sherrod, Teed, Vanderhagen and Ware v VNA and LAN.

THE COURT: Could we have appearances, please.

MR. STERN: Good morning, your Honor. Corey Stern and Moshe Maimon for the bellwether plaintiffs.

THE COURT: Thank you.

MR. STEIN: Good morning, your Honor. Daniel Stein and Jim Campbell for VNA.

THE COURT: Good morning.

MR. MASON: Wayne Mason and Philip Erickson for LAN, Your Honor.

THE COURT: Thank you. Please be seated. And we'll bring the jury in.

And we're continuing with Mr. Benes, correct?

MR. STERN: Yes, Your Honor.

THE COURT: I told the jurors that due to the schedule change, we would be continuing with the deposition. But I'll tell them again.

MR. STERN: Thank you.

THE COURT: Just to remind them of his name. His title is -- what is his title? Where are we? Yeah. There you are.

MR. MASON: He described it on the video.

THE COURT: I know. But help me. It's general

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1 counsel of both LAN and LAD.

2 MR. ERICKSON: General counsel for LAD. But he  
3 provides services to both companies.

4 MR. MASON: And he's corporate secretary.

5 THE COURT: Okay. I just want to flag for the jury  
6 that this is a LAN witness. How -- general counsel for --

7 MR. ERICKSON: Leo A Daly Company.

8 THE COURT: Leo A Daly. Providing service for LAN.

9 MR. MAIMON: No. He testified -- and I think we  
10 should stick with his testimony.

11 THE COURT: Yeah.

12 MR. MAIMON: He says that he is the senior vice  
13 president and general counsel for Leo A Daly Company and the  
14 corporate secretary of Lockwood, Andrews & Newnam, LAN.

15 THE COURT: Thank you. Okay. This is what I'm going  
16 to do, Mr. Maimon. I'm going to just say, "Mr. Maimon will  
17 remind us of our witness's title." I don't want to get it  
18 wrong.

19 Please rise for the jury.

20 Oh, there's a giant cord everybody. We're having a  
21 little bit of technical problem getting the video up so we're  
22 running a cord. So do not trip on the cord.

23 (Jury In)

24 THE COURT: Please be seated.

25 Welcome back, to the jury, and I'm so thankful to see

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1 all of you. We're still trying to get this to run. And see  
2 we have to be here every day to keep it warm I think. So  
3 we're going to -- they're going to try to get it going.

4 Meanwhile, I'm looking for a cameo appearance from my  
5 daughter. Her car -- she said she got on -- she lives in  
6 town, works in Ypsilanti, and says that she got on the highway  
7 and every warning light came on. Every one. Brakes, engine,  
8 everything.

9 So she brought the car to a shop not far from here  
10 and is going to come and get my keys. So take my car. Thank  
11 goodness. Leave me stranded in the rain, but that won't be  
12 the first time.

13 Oh, it's working.

14 INFORMATION TECHNOLOGIST RYAN TRAVIS: I have to cue  
15 it up real quick, Your Honor. It will take me a couple of  
16 minutes to get to the right spot.

17 THE COURT: Okay. We'll just carry on.

18 Oh, there we are. I thought you had to really warm  
19 it up or something. Now you have to figure out where we were.

20 While you're doing that, I'm going to ask Mr. Maimon,  
21 this is a witness that the plaintiffs called you might  
22 remember before we took our -- finished on Thursday.

23 So Mr. Maimon, remind us of his name and his title.

24 MR. MAIMON: Yes, Your Honor. Good morning.

25 This is Edward George Benes, B-e-n-e-s. Mr. Benes

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1 testified that he is the senior vice president and general  
2 counsel of the Leo A Daly Company and also the corporate  
3 secretary for both the Leo A Daly Company and Lockwood,  
4 Andrews & Newnam Inc., LAN.

5 THE COURT: Okay. Thank you, Mr. Maimon.

6 So we're -- I think we're just about ready to start  
7 the video. He was just there. We know we can do this.

8 Does anybody have any questions sort of unrelated to  
9 the witness. Our schedule will be here today and tomorrow.  
10 And then we'll keep going. Monday through Thursday 9:00 to  
11 1:30. We don't have scheduled days off that we've selected  
12 but we certainly could take a Thursday or a Monday or  
13 something like that off.

14 So you could think about something that would be  
15 helpful to you and let me know and I'll be talking with the  
16 lawyers. But hopefully we'll just keep going as much as we  
17 can.

18 What do you think -- when I listen to a podcast or  
19 audio book and I pick it up the next day, I always go back a  
20 minute to make sure I know where we were.

21 Could we go back a minute just to make sure we know  
22 right where we were?

23 INFORMATION TECHNOLOGIST RYAN TRAVIS: Okay, Your  
24 Honor. I think we're ready. Thank you for your patience.  
25 I'm sorry about that.

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1 THE COURT: No. Thank you.

2 (Recorded Deposition of Edward Benes Played)

3 (Recorded Deposition of David Gadis Played)

4 THE COURT: Thank you for the members of the jury.

5 I'm so thankful we have at least one family member doing so  
6 much better. So thank you all for being here. And we will be  
7 back in session 9:00 tomorrow. So please rise for the jury.

8 (Jury Out)

9 THE COURT: Please be seated. Is there anything to  
10 discuss?

11 MR. MAIMON: No, Your Honor.

12 MR. STEIN: No, Your Honor.

13 THE COURT: I would just request that the tech people  
14 get here early to make sure everything is up and running.  
15 We're here at 7:30 testing everything out every single day.  
16 So taking a little extra time to get here will allow us to  
17 make sure we start on time.

18 So with that, we'll adjourn for --

19 MR. ERICKSON: Your Honor?

20 THE COURT: Yes, Mr. Erickson.

21 MR. ERICKSON: The plaintiffs have never put in the  
22 exhibits from Mr. Benes.

23 MR. MAIMON: I thought we agreed that you would look  
24 at them and let me know if it was a problem.

25 MR. ERICKSON: I have looked at them and there's no



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1 problem.

2 MR. MAIMON: We'll take care of that.

3 THE COURT: So we'll do that with the jury.

4 MR. MAIMON: Of course.

5 THE COURT: Maybe tomorrow at the beginning.

6 MR. MAIMON: Or maybe after Mr. Gadis's testimony is  
7 concluded, we'll move all those exhibits in.

8 MR. ERICKSON: Okay. Thank you.

9 THE COURT: Sure. And that will be that. Thank you.

10 MR. MAIMON: Thank you, Your Honor.

11 (Proceedings Concluded)

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14 CERTIFICATE OF OFFICIAL COURT REPORTER

15 I, Jeseca C. Eddington, Federal Official Court  
16 Reporter, do hereby certify the foregoing 9 pages are a true  
17 and correct transcript of the above entitled proceedings.

18 /s/ JESECA C. EDDINGTON  
19 Jeseca C. Eddington, RDR, RMR, CRR, FCRR

03/23/2022  
Date

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